

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:18 cr 30-3**

**UNITED STATES OF AMERICA**

**v.**

**ISAAC DANIEL HUGHES,**

**Defendant.**

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**ORDER**

Before the Court is Defendant's Motion for Bond [# 56], which the Court heard following a Rule 11 proceeding that was held on June 6, 2018. Defendant was present with his attorney Jeffrey W. Gillette, and the Government was present and represented through AUSA David Thorneloe. After hearing arguments from Defendant and the Government and reviewing the records, the Court makes the following finding.

**Findings.** On March 20, 2018, the grand jury issued a bill of indictment charging Defendant with one count of conspiracy to possess a controlled substance with intent to distribute, in violation of 21 U.S.C. § 846; and one count of possession of a controlled substance with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). On June 6, 2018, the Court held a Rule 11 inquiry and accepted Defendant's plea of guilty to count one of the indictment. Following the Rule 11 proceeding, the Court was presented with the issue of whether Defendant should now be detained, pursuant to 18 U.S.C. § 3143(a)(2).

**Discussion.** 18 U.S.C. § 3143(a)(2) provides as follows:

(2) The judicial officer shall order that a person who has been found guilty of an offense in a case described in subparagraph (A), (B), or (C) of subsection (f)(1) of section 3142 and is awaiting imposition or execution of sentence be detained

unless—

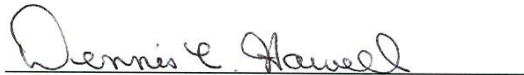
- (A) (i) the judicial officer finds there is a substantial likelihood that a motion for acquittal or new trial will be granted; or
- (ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; or
- (B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

On June 6, 2018, Defendant pled guilty to 21 U.S.C. § 846. That crime is one of the crimes enumerated under 18 U.S.C. § 3142(f)(1)(C). AUSA David Thorneloe advised the Court that the Government would not be recommending that no sentence of imprisonment be imposed on Defendant. As a result, the Court cannot find that there is a substantial likelihood that a motion for acquittal or new trial will be granted. It appears then that the Court should apply the factors as set forth under 18 U.S.C. § 3143(a)(2) that require the detention of Defendant.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that Defendant's Motion for Bond [# 56] is **DENIED**. Defendant shall remain detained pending further proceedings in this matter.

Signed: June 7, 2018



Dennis L. Howell  
United States Magistrate Judge

